

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 445 - HB 648

February 20, 2023

SUMMARY OF BILL: Expands the offense of educational neglect to include a child who is in poor academic standing. Defines poor academic standing as the child is failing English language arts, mathematics, science, or social studies or has a grade point average below 2.0. Increases the penalty, from a Class C misdemeanor to a Class B misdemeanor, for educational neglect of a child in poor academic standing. Requires a petition filed with a juvenile court alleging educational neglect to state whether the child is in poor academic standing.

FISCAL IMPACT:

Increase Local Expenditures – Exceeds \$33,500/FY23-24 and Subsequent Years*

Assumptions:

- Pursuant to Tenn. Code Ann. § 49-6-3009, any parent, guardian, or other person who has control of a child commits the Class C misdemeanor of educational neglect if a progressive truancy plan with three tiers of intervention was implemented for a child who violate compulsory attendance requirements and was ultimately deemed unsuccessful.
- The proposed legislation expands the offense of educational neglect to include a child who is in poor academic standing as evidenced by:
 - Failing English language arts, mathematics, science, or social studies; or
 - Having a grade point average below 2.0.
- Further, the proposed legislation enhances the penalty for educational neglect, from a Class C misdemeanor to a Class B misdemeanor, if a child is in poor academic standing.
- It is assumed that, on average, a person convicted of a Class C misdemeanor will spend zero days in a local jail, a Class B misdemeanor will spend a total of one day in a local jail.
- According to the Department of Education (DOE), while some LEAs report final grades for students to the DOE, districts are not required to report grades and grade point average to the DOE.
- Based on the information reported to the DOE, over the last three years there were at least an average of 11,512 students each year who failed one of the subjects outlined in the proposed legislation.
- Expanding the offense of educational neglect to include a child in poor academic standing will result in an increase in Class B misdemeanor convictions.

- It is assumed that at least five percent of the 11,512 students, or 576 (11,512 x 5%), will have one parent that will spend one day in jail as a result of the proposed legislation.
- Based on cost estimates provided by local government entities throughout the state and reported bed capacity within such facilities, the weighted average cost per day to house an inmate in a local jail facility is \$58.21.
- The recurring mandatory decrease in expenditures to local governments is estimated to exceed \$33,529 (576 convictions x \$58.21 x 1) in FY23-24 and subsequent years.
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly change state or local revenue.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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